

**SEIU LOCAL 1021
ALAMEDA COUNTY
BEHAVIORAL HEALTH CARE CHAPTER
BYLAWS**

PREAMBLE

As employees of Behavioral Health Care within Alameda County, working as free and responsible individuals, we recognize that the labor movement in general and SEIU Local 1021, Behavioral Health Care Chapter in particular can be instrumental in improving our status and resolving the social and health problems of our community. We agree to adopt these bylaws as an instrument for concerted action and collective bargaining in the interest of our members.

ARTICLE I NAME AND JURISDICTION

1.1 The name of this organization shall be the Behavioral Health Care Chapter of Service Employees International Union Local 1021. The jurisdiction of this Chapter shall be all employees in the bargaining unit(s) represented by the Union.

ARTICLE II PURPOSE, OBJECTIVES AND STRUCTURE

- 2.1 It shall be the purpose of the Behavioral Health Care Chapter to promote and protect the well being of all employees by the creation and maintenance of an effective labor organization.
- 2.2 It shall be the objective of the Behavioral Health Care Chapter:
- a. To represent in good faith and without unlawful discrimination individual members, service fee payers, or groups of members or service fee payers in grievances or administrative appeals as described by Board policy. The Chapter will follow the SEIU 1021 established procedures to decide whether to take a case to arbitration or a court of law.
 - b. To promote the welfare of employees through legislative and political action.
 - c. To provide a vehicle for the enhancement of social, educational and economic needs of the members.
 - d. To utilize other concerted activity designed to promote the general welfare and mutual interest of the membership.
 - e. To support organizing efforts of groups of employees, other SEIU locals, and other unions so that wages and working conditions of all workers will be improved.
- 2.3 The Chapter executive board shall have power to act for the Chapter between General Membership meetings. The Chapter executive board shall meet at least once a month or as often as deemed necessary by the board. Three (3) members shall constitute an Executive Board quorum.
- 2.4 The General Membership is the highest authority within the Chapter structure.
- 2.5 The Chapter shall hold regularly scheduled General Membership meetings at least once each quarter. Twenty percent (20%) of the General Membership shall constitute a quorum. Special membership meetings may be called by the Chapter Executive Board or by petition of ten percent (10%) of the membership.
- 2.6 The Chapter executive board shall maintain a file of Chapter board minutes and make available a copy thereof to the Secretary of the Local Union upon request.

- 2.7 The Chapter shall notify the Local 1021 Executive Board of any dissenting action taken on the minutes or action of the Chapter executive board of the Local Union.
- 2.8 The Chapter shall maintain financial records. All funds, including income and expenditures, shall be recorded and proper financial records shall be maintained in accordance with procedures established by the Local Union. These records shall be transmitted to the Executive Board of the Local Union upon request. All fiscal records shall be kept for a period of at least six (6) years or longer if required by applicable law. Two (2) signatures (of Chapter officers) shall be required to expend Chapter funds. Chapter financial records shall be regularly audited by a Chapter officer or member of the Chapter Executive Board who is not a signer on the Chapter account.

ARTICLE III AFFILIATION

3.1 The Chapter is part of SEIU Local 1021 and shall be subject to the Constitution of that Union and all policies adopted pursuant thereto.

ARTICLE IV MEMBERSHIP

4.1 All persons, without regard to race, creed, color, religion, gender, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age, political affiliation, or disability status, shall be eligible for membership.

4.2 Regular membership and service fee payer status in SEIU Local 1021 shall cease by termination of employment.

ARTICLE V OFFICERS AND DUTIES

The Chapter executive board as referred to in these bylaws shall be comprised of the following:

(1) President: The President shall officiate at all meetings and shall be responsible for directing the implementation of directives voted on by the Chapter membership. The President shall be an ex-officio member of all committees. The President shall be one of three (3) officers authorized to withdraw funds from a Chapter account, after such expenditures have been approved by the Chapter executive board and/or General Membership.

(2) Vice President: The Vice President shall act as President in the absence of the President. The Vice President shall be one of three (3) officers authorized to withdraw funds from a Chapter account, after such expenditures have been approved by the Chapter executive board and/or General Membership.

(3) Secretary/Treasurer: The Secretary/Treasurer shall keep a correct record of the proceedings of all Executive Committee and General Membership meetings and shall and provide a copy thereof to the Secretary of the Local Union upon request. The Secretary/Treasurer shall receive all correspondence and communications on behalf of the Chapter. The Secretary/Treasurer shall be responsible for Chapter account deposits and dispersals. The Secretary/Treasurer shall be one of three (3) officers authorized to withdraw funds from a Chapter account, after such expenditures have been approved by the Chapter executive board and/or General Membership. The Secretary/Treasurer shall present the Chapter financial records for audit at the direction of the Treasurer of the Local Union or his/her representative.

(4) Chief Steward: The Chief Steward shall serve as a resource for shop stewards in carrying out their duties at the worksite. Should the Chief Steward position become vacant, a majority vote at a Stewards Meeting will seat a new Chief Steward for the remainder of the term.

(5) COPE Coordinator: The COPE Coordinator shall be responsible for providing political information and education to the members of the chapter. S/he shall assist and coordinate with turn-out, COPE cards, and other duties related to political activities of the chapter and Local Union. The coordinator will also be the chapter representative to the Local 1021 County COPE Committee.

ARTICLE VI STEWARDS

Stewards may be determined by petition or appointment to represent members under the collective bargaining agreement. Stewards, who may be selected either through appointment of Chapter executive board, or by petition of ten Chapter member signatures, must be confirmed at the next scheduled Chapter executive board meeting.

Stewards are the face of the union at the worksite and are critical to building a strong, engaged and active membership. Stewards' roles and responsibilities include, but are not limited to, ongoing training; welcome and orientation of new members; mobilize, educate, and inform members on union activities and other issues; resolve worksite issues; process grievances; provide timely and effective representation of the members.

ARTICLE VII WEB SITE STEWARD

A Web Site Steward may be appointed, who will have the responsibility to maintain and update the Chapter web page on the SEIU 1021 Web Site (SEIU1021.org).

ARTICLE VIII CONTRACT NEGOTIATIONS: The Alameda County Employee Relations Ordinance provides for two (2) negotiating team members from each bargaining unit.

ARTICLE IX RECALL:

9.1 Recall of officers may be originated by a petition signed by at least twenty-five percent (25%) of the membership. After the recall has been originated, the Chapter executive board shall appoint an Election Committee and conduct a secret ballot election of the General Membership within sixty (60) days of the presentation of the recall petition. A majority of votes cast shall determine the recall.

9.2 In the event of a Board Member recall, a majority vote of the Chapter executive board appoints an interim Officer or Board Member. An appointee may only serve out the remainder of the term if the petition for recall is ratified by the General Membership.

9.3 In the event of a Presidential recall, the Vice President will serve the remaining term until the completion of the next voting cycle.

ARTICLE X COMMITTEES and INDUSTRY COUNCILS

10.1 Committees are essential to implementing the programs and plans of the Union. They also provide members with the opportunity to participate in the work and decision making of the union, gain leadership experience, and build solidarity. Committees can be established by any member of the Chapter executive board subject to confirmation by a majority vote of the Chapter executive

board. Committees shall seat their own chairs. Committees shall operate subject to the policies established by the Union and in accordance with the bylaws of this Union and the International Constitution and bylaws.

10.2 The chapter shall *elect or appoint* representatives to attend meetings of Local 1021 industry councils.

ARTICLE XI COPE DELEGATE(S) and CONVENTION DELEGATES

11.1 COPE will be a standing committee of the Chapter whose mission is to lead the local's campaign to create a new political majority for working families by increasing member leadership and engagement in worksite political education, community partnerships, issue advocacy, electoral campaigning, and voluntary contributions to the COPE fund. The Chapter COPE (Committee on Political Education) Delegate(s) shall be appointed by a majority vote of the Chapter executive board. The COPE Delegate(s) will adhere to the SEIU Local 1021 COPE operations manual when administering the duties of these positions. The Chapter President is an automatic delegate to this committee.

11.2 Elected Chapter officers shall serve as automatic delegates to the SEIU 1021 biennial convention.

ARTICLE XII HEALTH BENEFITS COMMITTEE

There shall be two (2) members and one (1) alternate on the Health Benefits Committee. It is recommended that at least one (1) member be selected who has served or is currently serving on the contract negotiation team. Nominations will be accepted from the floor or by submission from the General Membership. A majority vote of the Chapter executive board shall seat the committee members.

ARTICLE XIII VACANCIES

An elected or appointed office shall be declared vacant when the holder of the position resigns from office, is not a voting member in good standing with the union, is on an extended leave of absence, is recalled, or misses three (3) consecutive meetings regardless of the reason.

- a. A majority vote of the Chapter executive board will fill Officer and Chapter executive board vacancies.
- b. The term of an appointment will be until the completion of the next election.
- c. Steward's positions are exempt from this section with the exception of the Chief Steward.
- d. Should the Chief Steward position be declared vacant it will be filled by a majority vote at a Chapter executive board meeting.
- e. In the event the office of President is vacated, the Vice President will assume the duties of the vacated position for the rest of the term.

ARTICLE XVII—CHAPTER ELECTIONS:

Initial Chapter Elections shall be held at the first meeting following ratification of these Bylaws and recognition of a new Chapter. Thereafter, annually, the November meeting will be open to the general membership for the purpose of electing officers for the following year. The seating of the officers will be effective the following January.

17.1 Election Committee: The Executive Board shall appoint three (3) members to an Election Committee. Members of the committee may not be candidates for office in the election. The committee shall adopt all rules and regulations necessary to assure a fair and honest election and nominations procedure and shall provide each candidate with a copy of same. The committee also hears challenges to the conduct of the election. The Election Committee shall submit a written report to the Chapter Executive Board and Local 1021 President within three working (3) days following the ballot count. The report shall include the election rules, procedures, schedule, candidate/issue vote totals, any challenges filed, and names and phone numbers of Election Committee members. Election results shall be provided to the membership following the election.

17.2 Eligibility: In order to run for and serve as a Chapter officer, candidates shall have been members in good standing for at least one (1) year and employed within a bargaining unit represented by the Chapter. If the chapter has been in existence for less than one (1) year, the candidate must have been a member in good standing since the Chapter was recognized by Local 1021. Only members in good standing are eligible to participate in chapter elections.

17.3 Notice: Notice of the election shall be given to each Chapter member in good standing at least thirty (30) days prior to the date set for the election by written notice and/or Chapter newsletter (notice must be at least 30 days in advance of the deadline for nominations). The notice must include method of nomination [*at a meeting or by petition*], deadline for nominations, deadline for submission of candidates' statements [*if appropriate and permitted*], method of election [*meeting, worksite, mail ballot*], date, time, and place of voting, procedures for obtaining duplicate ballots, and challenge procedure. The election notice—and the election ballot—must include the number of convention delegates the Chapter is eligible to elect and list Chapter officers who serve as convention delegates by virtue of their office. The notice and ballot must include the method for election of convention alternates (i.e., by election, by status as runner-up to delegate, etc.). All official election materials and communications must be reviewed by the Election Committee and the assigned worksite organizer prior to publication.

17.4 Nomination for Office: Nominations for office will be made from the floor at a general membership meeting or submitted in writing to the Election Committee. Nominees must be present or submit written notice of acceptance of nomination within three (3) days of the deadline set for nominations. [*Nominations may also be made by petition.*]

17.5 Voting: Chapter elections must be conducted by secret ballot. Only members in good standing are eligible to vote. Proxy voting and write-in candidates are prohibited. The Chapter must provide a method for members to obtain duplicate ballots. [*The Election Committee shall determine if voting is conducted by mail, at the worksites, at a General Membership meeting, or a combination of these methods.*] A plurality of valid ballots cast shall determine the elected candidates. In the event of a tie vote, a run-off election shall be conducted.

17.6 Ballot count: The Election Committee shall count ballots at a location, date, and time announced to the membership.

17.7 Election Materials: All election ballots and duplicate ballots—marked, unmarked, voided, unused—must be saved for three (3) years (all ballots printed must be accounted for).

17.8 Challenges: Challenges to or disputes arising from a Chapter election must be submitted to the Chapter Election Committee within three (3) working days of the submission of the committee's election report to the Chapter Executive Board. Challenges must be submitted in writing and must cite specific violation(s) of the Chapter election rules and procedures, Chapter bylaws, or the Local 1021 Constitution. Challenges to the election will be considered valid only if they cite specific

violations of election rules and procedures or the Local 1021 Constitution and if the alleged violation may have affected the outcome of the election. The Chapter Election Committee shall investigate and resolve challenges within ten (10) working days of receipt of the challenge. The Election Committee may order a re-run of all or part of the election.

17.9 Appeals: Challenges or disputes which are denied or cannot be resolved by the Chapter Election Committee may be appealed in writing to the Local 1021 Executive Board within five (5) working days of receipt of the Chapter Election Committee's decision. The Local 1021 Executive Board shall investigate and respond within fifteen (15) working days of receipt of the challenge. Challenges to the election will be considered valid only if they cite specific violations of the Chapter election rules and procedures, Chapter bylaws, or the Local 1021 Constitution and if the alleged violation may have affected the outcome of the election.

ARTICLE XVIII CONTRACT RATIFICATION

18.1 Ratification or rejection of a contract shall be referred to the General Membership through a written ballot.

18.2 The ratification vote shall be by written, secret ballot, of members in good standing

18.3 Proxy voting is prohibited.

18.4 A minimum of five (5) working days notice will be given prior to a contract ratification vote.

ARTICLE XIX STRIKE

19.1 The chapter may not initiate a strike without a majority concurrence of the voting membership by secret ballot in compliance with the International Union Constitution.

19.2 The strike vote will be conducted through a US Postal Service or electronic ballot. The Web Site Steward will oversee any electronic balloting, and shall adhere to all election fairness and transparency standards.

19.3 Proxy voting is prohibited.

19.4 If a strike vote is rendered, the Chapter shall obtain a sanction from the Local and International Union, and Central Labor Council.

ARTICLE XX PROCEDURE AND DEBATE

20.1 Chapter meetings shall be governed by the Manual of Common Procedure.

20.2 Every member shall follow and be subject to such rules governing debate at all meetings of the Chapter.

20.3 In the event a satisfactory resolution to a dispute cannot be successfully reached, Roberts Rules of Order can be used for additional clarification.

20.4 The Manual of Common Procedure and Roberts Rules of order are incorporated in this document by reference.

ARTICLE XXI MEMBER CHARGES

21.1 Any member of the chapter may be involuntarily terminated or suspended from membership for conduct detrimental to the welfare of SEIU Local 1021, subject to the local's policy on member charges. Written charges signed by a member or officer of the chapter shall be filed according to the local's policy.

21.2 Notification of the date set for a review and copy of the charges will be delivered to the accused person. The hearing shall be before the Chapter executive board, and shall give the accused or his/her representative an opportunity to be heard. Three (3) of the five (5) members of the Board must vote in support in order to make such involuntary termination or suspension effective. In the event five (5) Board Members are not available, a majority of the quorum present will be deemed acceptable to determine the outcome. The decision of the Board will be presented to the accused in writing.

21.3 Upon written demand made within fifteen (15) days of the receipt of the notification, the suspended or terminated individual shall have the right to appeal to the Chapter membership as a whole. A special meeting shall be called to hear the appeal and it shall take a majority vote of those members present and voting to sustain the action.

21.4 Member charges will follow established policies and procedures of SEIU, Local 1021.

ARTICLE XXII AMENDMENT

22.1 Amendments to these bylaws will be accomplished by a majority vote conducted by written ballot of the membership.

22.2 Members must be notified at least thirty (30) days prior to the consideration of any amendment and provided with the proposed amendments and the original sections of the bylaws. Electronic media, flyers, and newsletters are accepted forms of distribution.

22.3 The bylaws, as set forth in this document, once adopted, will remain in effect until revised.

22.4 Bylaw modifications shall be submitted for approval and adoption to the Executive Board of Local 1021. Amendments to these operational guidelines shall be submitted to the Committee on Structural Integrity c/o the Local Union headquarters office (*100 Oak St., Oakland, CA 94607*) to be reviewed for conformity to the Local 1021 Constitution and to be kept on file. No amendment shall be valid or become effective until approved by the Executive Board of the Local 1021 Union.

22.5 Amendments required to bring these bylaws into conformity with the Constitution or Bylaws of the Local Union or International Union may be made by vote of the Executive Board without submission to the General Membership.

22.6 Any modifications made to the Bylaws to bring the document into conformity will be distributed to the membership via the methods outlined in Article XXII within thirty (30) days of the modification.

MANUAL OF COMMON PROCEDURE

The following rules shall be used to govern debate unless the Local Union has adopted its own rules or regulations:

Rule 1. The regular order of business may be suspended by a vote of the meeting at any time to dispose of urgent business.

Rule 2. All motions (if required by the chair) or resignations must be submitted in writing.

Rule 3. Any conversation, by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business shall be deemed a violation of order.

Rule 4. Sectarian discussion shall not be permitted in the meetings.

Rule 5. A motion to be entertained by the presiding officer must be seconded, and the mover as well as seconder must rise and be recognized by the chair.

Rule 6. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote.

Rule 7. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 8. A motion shall not be subject to debate until it has been stated by the chair.

Rule 9. A member wishing to speak shall rise and respectfully address the chair, and if recognized by the chair, she or he shall be entitled to proceed.

Rule 10. If two or more members rise to speak, the chair shall decide which is entitled to the floor.

Rule 11. Any member speaking shall be confined to the question under debate and avoid all personal, indecorous, or sarcastic language.

Rule 12. Attending meetings under the influence of liquor or any controlled substance not lawfully prescribed is basis for removal.

Rule 13. No member shall interrupt another while speaking, except to a point of order, and the member shall definitely state the point, and the chair shall decide the same without debate.

Rule 14. Any member who is called to order while speaking shall be seated until the point of order is decided, after which, if decided in order, such member may proceed.

Rule 15. Any member who feels personally aggrieved by a decision of the chair may appeal such decision to the body.

Rule 16. When an appeal is made from the decision of the chair, the Vice President shall act as chairperson; the appeal shall be stated by the chair to the meeting in these words: "Shall the decision of the chair be sustained as the decision of this Union?" The member will then have the right to state the grounds of appeal and the chair will give reasons for its decision; thereupon the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the chair.

Rule 17. No member shall speak more than once on the same subject until all who wish to speak have spoken, nor more than twice without unanimous consent, nor more than five (5) minutes at any one time without consent of a two-thirds vote of all members present.

Rule 18. The presiding officer shall not speak on any subject unless such officer retires from the chair, except on a point of order or to make an official report or give such advice and counsel as the interests of the organization warrant. In case of a tie the presiding officer shall have the deciding vote.

Rule 19. When a question is before the meeting, no motion shall be in order except:

- To adjourn;
- To lay the question on the table;
- For the previous question;
- To postpone to a given time;
- To refer or commit;
- To amend

These motions shall have precedence in the above order. The first three of these motions are not debatable.

Rule 20. If a question has been amended, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall be put as follows:

Amendment to the amendment.

Amendment.

Original proposition.

Rule 21. When a question is postponed indefinitely, it shall not come up again except by a two-thirds vote.

Rule 22. A motion to adjourn shall always be in order, except:

When a member has the floor;

When members are voting.

Rule 23. Before putting a question to vote, the presiding officer shall ask, "Are you ready for the question?" Then it shall be open for debate. If no member rises to speak or the debate is concluded, the presiding officer shall then put the question in this form: "All in favor of this motion say 'aye'"; and after the affirmative vote is expressed, "Those of the contrary opinion, say 'no.'" After the vote is taken, the presiding officer shall announce the result in this manner: "It is carried [or lost] and so ordered."

Rule 24. Before the presiding officer declares the vote on a question, any member may ask for a division of the house. The chair is required to comply with this request. A standing vote shall thereupon be taken.

Rule 25. When a question has been decided it can be reconsidered only by two-thirds vote of those present.

Rule 26. A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 27. A member ordered to be seated three (3) times by the chair without complying shall be debarred from participating in any further business at that session.

Rule 28. All questions, unless otherwise provided, shall be decided by a majority vote.

Rule 29. The presiding officer of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.

Order of Business

Opening

Roll call of officers

Reading of minutes of the previous meeting

Applications for membership

Initiation of new members

Communications and bills

Reports of officers, Chapter executive board and committees

Unfinished business

New business

Good and Welfare

Adjournment